

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-9 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

**Declaration**

The Examiner states that the Declaration is defective. In particular, the Examiner states that the Declaration does not properly identify the application by number and filing date. Applicants disagree that the Declaration is defective. The Examiner is referred to MPEP §602 under the heading of VI Identification of Application. After the second paragraph in this subsection, three different manners for identifying a specification are listed as being acceptable when the Declaration is filed with the application. The third of these acceptable combinations of information are that the name of the inventor and the title of the invention on the specification is filed are given. The Declaration includes the title of the invention as filed, namely "Fan Assembly Mechanism" and also includes the name of the sole inventor Lin-Wei CHANG. Accordingly, Applicants submit that the identifying information on the Declaration is sufficient. In addition to meeting this requirement, the Declaration also includes the priority information and the attorney docket number. Accordingly, more information than is required is present. Accordingly, this objection is completely overcome.

**Objection to the Specification**

The Examiner pointed out a misspelling on page 3 and two instances of an incorrect reference numeral on page 5. These have now been corrected by way of the present Amendment.

Rejection under 35 USC §102

Claims 1-4 and 6-9 stand rejected under 35 USC §102 as being anticipated by Gan et al. (USP 6,817,939). This rejection is respectfully traversed.

The Examiner states that Gan et al. teaches a fan assembly mechanism having a fan member 30 with a space 311 for receiving the fan, at least one fastening member 35 which is engaged with hole 21 and an elastic fastener 39 having one side 391 fixed on the fan member and having a latching portion 392 protruded out of the flat mounting surface where the elastic fastener has an adjustable end 393 susceptible to pressure to allow the elastic fastener to move in a direction away from the wall mounting surface to generate an elastic force. The Examiner also states that Gan et al. teaches an adjustable end 393 of the elastic fastener which has an inclined and depressed surface where the pressure is exerted, that the elastic fastener is received in the space of the fan member, that an open trough is formed in the surface of the fan member, that the fastening member is integrally formed with the fan member and that the fastening member is formed on an edge of the corner of the flat mounting surface.

Applicants disagree with the Examiner's understanding of the Gan et al. reference. Gan et al. does include an actuator 39 which extends outwardly from a side wall of the fan member. The actuator includes an L shaped section 391 with a protrusion 392. The protrusion interacts with slot 22 to help hold the fan member in position. However, the Examiner has stated that the latching portion 392 protrudes out of the flat mounting surface. This is not correct. While the latching portion extends toward the wall mounting surface, it extends from the actuator 39 and not from the flat mounting surface.

Further, the Examiner states that the elastic fastener has adjustable ends susceptible to pressure to allow the fastener to move in a direction away from the wall mounting surface and generate an elastic force. Applicants submit that the Gan et al. reference does not show this arrangement at all. As indicated at col. 2, lines 61-67, the handle 393 of the actuator is pushed toward the panel so that the protrusion snappingly engages in the slit 22. To remove the fan, the handle is pulled away from the panel. There is no indication that an elastic force is generated. Further, there is no indication that the elastic fastener is moved in a direction away from the wall so that pressure may be released to cause the fastener to engage with the hole.

Claim 1 clearly describes the elastic fastener as having a latching portion which protrudes out from the flat mounting surface. It also describes the fastener as being susceptible to pressure to allow the elastic fastener to move in a direction away from the wall mounting surface and generate an elastic force and then return to its original position by the release of pressure so that the latching portion engages the corresponding hole. Applicants submit that Gan et al. does not teach these features and merely shows the latch mounted to the side of the wall mounting surface which is directly pushed into the hole rather than pushed away from the hole in order to generate an elastic force. Accordingly, Applicants submit that claim 1 is not anticipated by Gan et al.

Claims 2-9 depend from claim 1 and as such are also considered to be allowable. In addition, each of these claims recite other features which make these claims additionally allowable.

In particular, claim 2 describes the adjustable end of the fastener as having an inclined and depressed surface. The Examiner states that adjustable end 393 of Gan et al. has an inclined and depressed surface. Applicants do not see such an arrangement is present.

In regard to claim 3, the claim states that the elastic fastener is received in the space of the fan member. While the Examiner has stated that the elastic fastener is received in the space of the fan member, this is not seen at all. The actuator 39 extends outwardly from the side of the fan member and is not at all included in the space 311 for the fan. Applicants submit the Examiner is clearly wrong in this regard.

Claim 4 describes the open trough formed on the surface of the fan member adjacent to the flat mounting surface. The Examiner has referred to the space between the side wall of the fan member and the actuator 39 as forming a trough. However, claim 4 described the open trough as being on a surface of the fan member. This is not the case in the reference. Accordingly, claim 4 is additionally allowable.

In regard to claim 8, the Examiner states that the fastening member is formed on an edge at the corner of the flat mounting surface. While Applicants agree that the actuator 39 is formed at an edge of the flat mounting surface, it is not formed at a corner, but rather in the middle of the edge. Accordingly, Applicants submit that claim 8 is likewise allowable.

Rejection under 35 USC §103

Claim 5 stands rejected under 35 USC §103 as being obvious over Gan et al. The Examiner states that the reference does not expressly teach that the actuator 39 is made of plastic material. Moreover, the Examiner feels this would be obvious to one skilled in the art. Applicants submit that even if this would be obvious to one skilled in the art that the claim is still allowable based on its dependency from allowable claim 1. Accordingly, Applicants submit that this rejection is likewise overcome.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

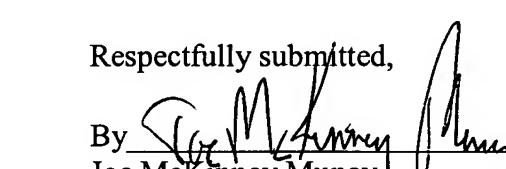
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 CFR §§1.16 or 1.17; particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: July 13, 2005

Respectfully submitted,

By   
Joe McKinney Muncy

Registration No.: 32,334  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Rd  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant